



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,442	08/16/2001	Shigeharu Ushiwata	Q65849	2523
7590	06/30/2005		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3202			FLORES SANCHEZ, OMAR	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 06/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/930,442	USHIWATA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Omar Flores-Sánchez	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 March 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12,23,24 and 33-78 is/are pending in the application.

4a) Of the above claim(s) 4-9,33,36 and 44 is/are withdrawn from consideration.

5) Claim(s) 23,24 and 53-78 is/are allowed.

6) Claim(s) 1,2,12,34,37,40-43 and 45-52 is/are rejected.

7) Claim(s) 3,10,11,35,38 and 39 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to applicant's amendment received on 03/23/05.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 34, 42 and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boston et al. (5,285,708) in view of Smith (5,038,481).

Boston et al. discloses (Fig. 1-5) the invention substantially as claimed including a base 16, a holder 24, a cutter blade portion 28, a laser generator (Fig. 2) emitting laser light, said laser light travels in a direction intersecting the rotation axis of the blade when said blade is in the lower position, a laser generator support member 100, means for moving the light emitting portion 90, a resilient body 126, a horizontal/frontward and rearward directions, and first and second stop members (inside walls 48). Boston et al. does not show at least a portion of the laser light onto a position to be cut on the workpiece so that laser light is *directly* beneath the rotatable circular saw blade, the *laser light travels within a space* defined between a two planes defined by the width of the blade, and an entire width of the laser light on the workpiece is *locatable within a space* defined by a locus of the width of the blade edge. However, Smith teaches the use of lens 48 having light beam directed towards the saw blade and focusing *on a*

*cut line* 62 (which is *directly* beneath the saw blade, *light travels within a space* defined between a two planes and *locatable within a space* defined by a locus of the width of the blade edge) for the purpose of eliminating all possibility for errors caused by parallax, and permitting a very accurate cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the laser of Boston et al. by providing the same condition disclosed above as taught by Smith in order to obtain a device that eliminates all possibility for errors caused by parallax, and permits a very accurate cut.

4. Claims 2, 12, 37, 41, 45 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boston et al. (5,285,708) in view of Smith (5,038,481) as applied to claims 1, 34, 37, 42 and 45 above, and further in view of Becker (2,806,492).

The modified device of Boston et al. discloses (Fig. 1-5) the invention substantially as claimed including a laser generator 205 having a light emitting portion. Boston et al. does not show a laser generator support member and means for moving the light-emitting portion. However, Becker teaches the use of a laser generator support member 13 having first and second stop members (inside walls) and means 17 for moving the light emitting portion for the purpose of adjusting laterally the light projector assembly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the laser of Boston et al. by providing the laser generator support member having first and second stop members and means for moving the light emitting portion as taught by Becker in order to a laser device that can be adjust laterally.

***Allowable Subject Matter***

5. Claims 23-24 and 53-78 are allowed.
6. Claims 3, 10, 11, 35 and 38-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claim 46 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ofs  
6/23/05

*an*  
Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700